

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2176

STEVE WINTER; PRERAPTURE SOLUTIONS,
INCORPORATED, d/b/a Sellcom,

Plaintiffs - Appellants,

versus

MARK BASSETT; PETER WILLIAM SACHS; MICHAEL
SCHIDELL; STEVE ADAMS; WILLIAM COUSERT;
CAMILLE KLEIN; DAVE RATCLIFFE; DONNIE R.
HAYES; WILLIAM ARTHUR MILLER, JR.; JERRY MOON;
CARL MCCASKEY; MARK GWYNN; BRIAN BOGGS; ANDY
ENGLE; GOSPEL FILMS, INCORPORATED, d/b/a
Gospelcom.net; VERIZON SOUTH, INCORPORATED;
STEVE BUEHLER; AT&T; PSINET, INCORPORATED; KC
DATA CORPORATION, d/b/a Slurp Net; YAHOO!
INCORPORATED,

Defendants - Appellees,

and

TIME WARNER TELECOM HOLDINGS, INCORPORATED,
d/b/a RR.com,

Defendant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Durham. N. Carlton Tilley, Jr.,
Chief District Judge. (CA-02-382-1)

Submitted: November 14, 2005

Decided: December 12, 2005

Before WILKINS, Chief Judge, and DUNCAN, Circuit Judge.¹

Affirmed by unpublished per curiam opinion.

Thomas H. Stark, STARK LAW GROUP, P.L.L.C., Chapel Hill, North Carolina, for Appellants. Joy Rhyne Webb, BROWNE, FLEBOTTE, WILSON, HORN & WEBB, P.L.L.C., Durham, North Carolina, for Appellees Steve Adams, Mark Bassett, Steve Buehler, Andy Engle, Dave Ratcliffe; J. Donald Cowan, Jr., SMITH MOORE, L.L.P., Greensboro, North Carolina, Laura M. Loyek, SMITH MOORE, L.L.P., Raleigh, North Carolina, for Appellee Gospel Films, Incorporated, dba Gospelcom.net; Neil A. Riemann, TAYLOR, PENRY, RASH & RIEMANN, P.L.L.C., Raleigh, North Carolina, Kathryn L. Comerford Todd, Andrew G. McBride, WILEY, REIN & FIELDING, L.L.P., Washington, D.C., for Appellee Verizon South, Incorporated; L. D. Simmons, II, Richard H. Conner, III, HELMS, MULLISS & WICKER, P.L.L.C., Charlotte, North Carolina, for Appellee AT&T; Philip Rogers Stein, ALSTON & BIRD, L.L.P., Atlanta, Georgia, Mark Timothy Calloway, Benjamin Freedman Sidbury, ALSTON & BIRD, L.L.P., Charlotte, North Carolina, for Appellee Yahoo! Incorporated.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

¹The decision is filed by a quorum of the panel pursuant to 28 U.S.C. § 46(d).

PER CURIAM:

Plaintiff-Appellant Steve Winter brought suit in North Carolina state court against more than twenty defendants, including individuals and internet service providers ("ISPs"), alleging various injuries based on defendants' internet activities.

The defendants removed the case to the District Court for the Middle District of North Carolina, based on the presence of a federal question. The district court denied Winter's motion to remand the entire case to state court, dismissed certain defendants for lack of personal jurisdiction, and held that certain other defendants were immune from suit under 47 U.S.C. § 230.²

As a result of the district court's procedural rulings, no questions of federal law remained in the case. The district court therefore remanded the remaining issues to state court.

Winter timely appeals the district court's decisions declining to remand the entire case to state court, dismissing certain defendants for lack of personal jurisdiction, and holding that certain other defendants were immune from suit pursuant to 47 U.S.C. § 230.

²Winter attempts to hold the ISP defendants liable for allegedly hosting materials on the internet that Winter claims caused him harm. As the district court held, 47 U.S.C. § 230 expressly grants immunity to the ISP defendants for these alleged actions. See Zeran v. America Online, Inc., 129 F.3d 327, 330 (4th Cir. 1997).

After reviewing the briefs and record in this case, we find no reversible error. Therefore, we affirm on the basis of the well-reasoned opinions of the district court. See Winter v. Bassett, No. 1:02cv00382 (M.D.N.C. August 19, 2003); Winter v. Bassett, No. 1:02cv00382 (M.D.N.C. August 22, 2003).

AFFIRMED